

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2122.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MOLASSES.

On October 23, 1911, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the Third Judicial District of the Territory of Arizona a libel for the seizure and condemnation of 20 cases of Cedar Grove Plantation Brand and 25 cases Laurel Grove Plantation Brand New Orleans Molasses remaining unsold in the original unbroken packages and in possession of E. S. Wakelin, Phoenix, Ariz., alleging that the product had been shipped on or about September 26, 1911, by the Gordon Syrup Co., a corporation, Berkeley, Cal., and transported from the State of California into the Territory of Arizona, and charging misbranding in violation of the Food and Drugs Act. On March 6, 1912, the cause, by operation of law, was transferred to the District Court of the United States for the District of Arizona. Twenty cases of the product were labeled: "Cedar Grove Plantation brand Fancy Open Kettle New Orleans Molasses compounded with pure corn syrup contains sulphur dioxide guaranteed under serial No. 24389 Gordon Syrup Co., Oakland-San Francisco, Cal.", and 25 cases were labeled: "Laurel Grove Plantation brand Fancy Open Kettle New Orleans Molasses compounded with pure corn syrup contains sulphur dioxide guaranteed under serial No. 24389 Gordon Syrup Co. Oakland-San Francisco, Cal."

Misbranding of the product was alleged in the libel for the reason that the word "molasses" appeared in the labels or brands in large type and in a prominent and conspicuous manner and was therefore calculated to convey the impression that the product was molasses and that the words "compounded with pure corn syrup" appeared in the brands in much smaller type than said word "molasses" and in an inconspicuous and obscure manner, and the labeling or branding of the product was misleading and false so as to deceive and mislead the purchaser and so as to offer the contents for sale under the distinctive name of another article.

On April 23, 1912, the said Gordon Syrup Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$350 in conformity with section 10 of the Act.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 16, 1912.*